

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BRADLEY SMITH, an individual,)	
)	
Plaintiff Pro Se,)	
)	
vs.)	Case No. 1:16-cv-00144-S-LDA
)	
DEBORAH GARCIA,)	
)	
Defendant.)	

AFFIDAVIT OF PAUL ALAN LEVY

1. My name is Paul Alan Levy. I am lead counsel for proposed intervenor Myvesta Foundation.

2. I am a lawyer at Public Citizen Litigation Group. For the past seventeen years, I have specialized in litigating online free speech issues involving the rights of consumers to criticize businesses and others, the rights of the owners of web sites to host such content, and the right of web site owners to use fair techniques to bring their content to the attention of Internet users who seek content of interest using domain names and search engines. In addition, I write articles on that subject, among other places on Public Citizen's Consumer Law and Policy blog.

3. On August 19, 2016, I heard about this case from another lawyer who blogs on free speech issues, who attached the complaint, consent motion and consent order in this case, and pointed to several similarities between the language of the order obtained by plaintiff in this case and the language of the proposed (and entered) order in *Patel v. Chan*, Case No. 24-C-16-003573 (Md. Cir. Ct., Baltimore City), another pro se litigation seeking removal of online criticisms, about which I had written an article.

4. Later on August 19, 2016, I forwarded the documents to Steve Rhode, whom I knew

because we have occasionally corresponded in the past about online free speech issues, to find out whether he was aware of this lawsuit.

5. I have seen an email that Rhode sent to Bradley Smith, asking whether Smith had knowingly lent his name to this litigation. The response from Smith implied that he was not involved, asserted that the signature on the documents was not his, and asked what he could do to help. The exchange is attached to the Rhode Affidavit.

6. I wrote to Smith on August 23, 2016, to ask him whether he would execute an affidavit confirming his non-involvement in this case. At first, Smith said that he had not had a chance to review the documents. Smith wrote back to me on August 29, 2016, saying that he was represented by counsel in the matter, that they would be reviewing the documents, and that I should not contact him further.

7. Because I could no longer ask Smith for more information about his involvement or non-involvement in the filing of this lawsuit, on August 31, 2016, I asked Smith to provide me with the name(s) of his counsel, hoping to inquire of them about the facts of Smith's involvement and to get the name of any reputation management outfit that he might have hired and which might have filed this action in his name. However, he has not responded to my question, and no attorney has contacted me on Smith's behalf.

8. I attach my correspondence with Smith as Exhibit 1.

9. I have looked online, without success, to try to find a Deborah Garcia at the address listed on the "consent motion" and "consent order." I did not find any reference to Deborah Garcia at that address (although I did not explore the contents of paying databases). Looking on Google Maps, I have not found any indication that there is a 1588 Main Street in Warwick, Rhode Island. I did,

however, locate several links for 1588 Main Street in **West** Warwick, Rhode Island, which appears to be the address for Spencer Commons, a condominium complex. <http://www.rhodeislandcorps.com/corp/88634.html>. I could not find any online information locating a “Deborah Garcia” at either address.

10. I located an online archive for Rhode Island’s voter registration database at <http://rivoters.com/>. Checking the page for zip code 02893, which includes both Warwick and West Warwick, I found many registered voters at 1588 Main Street, but there was no Deborah Garcia among them. http://rivoters.com/by_ZIP_Code/02893.html. Nor was there **any** Garcia at 1588 Main Street. Searching the Property Tax Database for West Warwick, [https://www.opaldata.net/VGSITaxRolls /PublicMain.aspx?MunID=WWarwickTown](https://www.opaldata.net/VGSITaxRolls/PublicMain.aspx?MunID=WWarwickTown), I found many people named Garcia, but no Deborah Garcia (there was a Debra L. Garcia). Searching the Assessor’s Database for the Town of West Warwick, <http://nereval.com/SearchInfo.aspx?town=West+Warwick>, I located several property owners named Garcia but nobody named Deborah Garcia and nobody named Garcia at that address.

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct. Executed on September 8, 2016

/s/ Paul Alan Levy
Paul Alan Levy

From: Paul Alan Levy
Sent: Thursday, September 01, 2016 9:42 AM
To: 'Brad Smith'
Subject: Please, give me the name and contact information for your lawyer

Understood. But I'd be grateful for the name and contact information for your lawyer(s).

From: Brad Smith [mailto:BSmith@rescue1fin.com]
Sent: Monday, August 29, 2016 1:38 PM
To: Paul Alan Levy
Cc: steve.rhode@myvestafoundation.org
Subject: RE: Any further thoughts about that draft affidavit?

Dear Mr. Levy-

Thank you for your interest in this matter, but I am represented by my own legal counsel and will have this matter reviewed and handled through them. Please do not contact me further.

Bradley W. Smith

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Levy Affidavit
Exhibit 1

From: Paul Alan Levy [<mailto:plevy@citizen.org>]
Sent: Monday, August 29, 2016 9:24 AM
To: Brad Smith
Subject: Any further thoughts about that draft affidavit?

Paul Alan Levy
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Public Citizen Foundation participates in the Combined Federal Campaign with the CFC Code 11168

From: Brad Smith [<mailto:BSmith@rescue1fin.com>]
Sent: Thursday, August 25, 2016 3:57 PM
To: Paul Alan Levy
Subject: RE: Brad Meet Paul

Hi Paul-

I am just back in town from a business trip and have not had the chance to get through my email as of yet, I will get through it all and respond to you today. Thanks for your patience.

Bradley W. Smith

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From: Paul Alan Levy [<mailto:plevy@citizen.org>]

Sent: Thursday, August 25, 2016 12:28 PM

To: Brad Smith

Subject: RE: Brad Meet Paul

Brad, you have not got back to me, and in my business that usually means that the person on the other end does not want to give bad news.

But for me, if you are not up for doing an affidavit, I understand but would rather just know that so I can make other plans for what I need to do to move forward. OR, if there are CHANGES that you need to make in the draft, please let me know and I can make those

Glad to chat with you by phone if you think that would be helpful

Paul Alan Levy

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